

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America

v.

Victor Diego Ruelas-Perez

A200 830 248

Defendant

Case No. 17-418 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about September 27, 2017, in the County of Pinal, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Victor Diego Ruelas-Perez, an alien, was found in the United States of America, at or near Casa Grande, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States, at or near Eagle Pass, Texas, on or about November 5, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a Border Patrol Agent with U.S. Customs and Border Protection.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Jonathan R. Hornok

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: September 28, 2017

City and state: Phoenix, Arizona

Complainant's signature

Albert A. Martinez

U.S. Border Patrol Agent

Printed name and title

Judge's signature

Michelle H. Burns

United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Albert A. Martinez, being duly sworn, hereby depose and state as follows:

1. Your affiant is a United States Border Patrol agent. I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On or about September 27, 2017, Border Patrol Agents R. Gantt and M. Campos encountered an individual near Casa Grande, in the District of Arizona. The agents identified themselves as Border Patrol agents and performed an immigration inspection on the individual. The individual, later identified as Victor Diego Ruelas-Perez, admitted to being a citizen and national of a country other than the United States, unlawfully present in the United States. Ruelas-Perez was transported to the Casa Grande Border Patrol Station for further processing. Ruelas-Perez was held in administrative custody until his identity could be confirmed along with his immigration and criminal history.
3. Immigration history checks revealed Victor Diego Ruelas-Perez to be a citizen of Mexico and a previously deported alien. Ruelas-Perez was removed from the United States to Mexico through Eagle Pass, Texas, on or about November 5, 2016, pursuant to the reinstatement of a removal order issued by an immigration official. There is no

record of Victor Diego Ruelas-Perez in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Ruelas-Perez's immigration history was matched to him by electronic fingerprint comparison.

4. On or about September 28, 2017, Victor Diego Ruelas-Perez was advised of his constitutional rights. Ruelas-Perez freely and willingly acknowledged his rights and agreed to provide a statement under oath. Ruelas-Perez stated that his true and complete name is Victor Diego Ruelas-Perez and that he is a citizen of Mexico and of no other country. Ruelas-Perez stated that he entered the United States somewhere near Lukeville, Arizona, on or about September 22, 2017, at approximately 6:00 a.m., without inspection by an immigration officer. Ruelas-Perez further stated that he had been previously removed from the United States to Mexico and did not receive permission from the Secretary of the Department of Homeland Security to re-enter the United States after his removal.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about September 27, 2017, Victor Diego Ruelas-Perez, an alien, was found in the United States of America, at or near Casa Grande, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Eagle Pass, Texas, on or about November 5, 2016, and not

having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Sections 1326(a), a felony.

A handwritten signature in black ink, appearing to read 'A. Martinez', written over a horizontal line.

Albert A. Martinez
U.S. Border Patrol Agent

Sworn to and subscribed before me
this 28th day of September, 2017.

A handwritten signature in black ink, appearing to read 'Michelle Burns', written over a horizontal line.

Michelle H. Burns
United States Magistrate Judge